Remarks

Claims 1-27 are currently pending in the patent application. The Office Action dated April 1, 2009 indicated the following new grounds of rejection: claims 15-19 and 26 stand rejected under 35 U.S.C. § 103(a) over Edholm (U.S. Patent No. 6,449,269) in view of Swartz (U.S. Patent No. 6,445,694); and claims 1-14, 20-25 and 27 stand rejected under 35 U.S.C. § 103(a) over Shaffer *et al.* (U.S. Patent No. 6,125,108) in view of Truetken (U.S. Patent No. 6,493,324). Applicant respectfully traverses these rejections, and further does not acquiesce to any rejection or averment in the instant Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 103(a) rejections of claims 15-19 and 26 because the cited Edholm '269 reference either alone or in combination with the Swartz '694 reference lacks correspondence to the claimed invention. The rejections rely upon the Examiner's apparent confusion between the configuration of a central system that routes calls to a particular IP telephony device, with configuring the IP telephony device itself. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding a user interface device that that is programmed to provide IP telephony communications configuration information to a (remote) CPU, where the CPU responds by programmably configuring IP telephony devices via an object-oriented programming interface and an IP telephony link. As consistent with Applicant's responses of record, all of the cited portions of the '269 reference refer to the control and/or configuration of a telephone server (*see, e.g.*, column 2:52-65), which does not provide teaching or suggestion of controlling and/or configuring an IP telephone as claimed. The call features to which the Examiner has referred are those features executed at a central telephone server, and do not pertain to telephone device configuration as suggested.

The Office Action's citations to the new '694 reference similarly confuse the configuration of a central server with that of a specific IP telephone device. This is consistent with the cited Abstract of the '694 reference, which describes the reference's control approach as using a "web interface to populate a database with preference data which is used by the host services processor to … [handle calls and other call features]." As with the '269 reference, the '694 reference's system does not involve programming any IP telephone device, and instead involves programming call routing functions at a

central location, thus failing to overcome the lack of correspondence in the '269 reference. For instance, page 3 of the Office Action indicates that the '269 reference fails to disclose:

> the CPU being programmed to receive the IP telephony user communications configuration selections from the user-interface device and in response to the received selections, programmably configure selected IP telephony device (sic) of an IP telephony communications system via the IP telephony communications link

In attempting to show correspondence to the above-indicated missing limitations, the Office Action simply asserts that the '694 reference discloses:

> an internet-controlled telephony system wherein a subscriber makes communication configuration selections

However, this assertion and the cited "internet-controlled telephony system" of the '694 reference (per the above discussion) provide no correspondence whatsoever to limitations directed to a CPU adapted to "programmably configure selected IP telephony devices," or any communication with such a device via an IP telephony communications link for doing so. Instead, these "communication configuration selections" in the '694 reference relate to the configuration of the (central) internet-controlled telephony system itself, rather than any IP telephone, as relevant to its storage of preferences as cited from the abstract above.

Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the § 103(a) rejections of claims 15-19 and 26 are improper and should be removed.

Applicant maintains the traversals of the § 103(a) rejections of claims 1-14, 20-25 and 27, which appear to have been largely repeated from previous rejections, because the cited Shaffer '108 reference either alone or in combination with the Truetken '324 reference fails to correspond to the claimed invention. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding a programmable controller that programs a computer processor circuit at each of a plurality of telephony devices. In contrast, the only apparent programming takes place at a "control center" that is remote from any IP telephony device as cited. This is consistent with the above discussion regarding the Examiner's apparent confusion between the configuration of a central system that routes calls to a particular IP telephony device, with configuring the IP telephony device itself.

Contrary to the Office Action's assertions, the cited portions of the '108 reference fail to disclose or even recognize limitations including those directed to programming both a "control center and a computer processor circuit at each of the plurality of IP telephony devices." For instance, the cited service features at columns 3 and 4 are maintained at a server as service profile data and are used at the server, and never programmed into any circuit at an IP telephony device as claimed. Referring to column 8, the cited discussion of enabling of call services remotely from an IP telephony device using "device service profile data" that is stored at a "first database of server 14" is similarly unrelated to the claimed invention. This profile data is used by a router 10 to "enable the first set of call services ... in the process of establishing an IP-telephony connection" as described at column 8:19-23, where the services are enabled at the router. The asserted "user service profile" at column 5 similarly refers to a profile that is configured in a "database of the server 14" and used for a "first router 10," making no mention of the control and/or configuration of an IP telephone device.

These alleged "control" functions involve controlling a server and router, and do not provide any correspondence to "telephone administration control of a plurality of telephony devices" or to configuring "the plurality of IP telephony devices" as asserted or as in any of independent claims 1 or 20 (or as applicable to the claims that depend therefrom). As the secondary '324 reference is cited only as providing a user interface, the '324 reference fails to provide any further correspondence to the claimed control/configuration of an IP telephony device, which the '108 reference fails to disclose. Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the § 103(a) rejections of claims 1-14, 20-25 and 27 are improper and should be removed.

Applicant further traverses all of the § 103 rejections because the cited references teach away from the Office Action's proposed combination. Consistent with the recent Supreme Court decision, M.P.E.P. § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-

obvious."). Applicant submits that the combination would render the respective references inoperable because modifying the references to arrive at the Applicant's claimed invention would remove the references' respective configurations involving a central server or router, and replace those configurations with configuration at each of a plurality of respective IP telephony devices. This fundamental change would undermine the purposes of both the '269 and '108 references. Under M.P.E.P. § 2143.01, the rejections cannot be maintained.

Claim 2 has been amended to include limitations that are believed to be consistent with the claim, prior to amendment, and with the above discussion regarding the programming of an IP telephony device itself, which is not taught, suggested or even contemplated by the cited references. Applicant believes that these amendments are unnecessary for patentability.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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